



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,038	02/26/2002	Vincent J. Schiavone	44420423-0012	8437
34415 7590 02/12/2007 SYMANTEC/ FENWICK SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
30 DAYS		02/12/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 30 DAYS from 02/12/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoc@fenwick.com
bhoffman@fenwick.com
qdin@fenwick.com

**Office Action Summary
for Applications
Under Accelerated Examination**

Application No.

10/084,038

Applicant(s)

SCHIAVONE ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Since this application has been granted special status under the accelerated examination program,
**NO extensions of time under 37 CFR 1.136(a) will be permitted and a SHORTENED STATUTORY PERIOD FOR
REPLY IS SET TO EXPIRE:**

**ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,
FROM THE MAILING DATE OF THIS COMMUNICATION -- if this is a non-final action or a Quayle action.
(Examiner: For FINAL actions, please use PTOL-326.)**

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 3) ☒ Claim(s) 1,3,4,6,12-26,30-53,55-76 and 78-81 is/are pending in the application.
3a) Of the above claim(s) _____ is/are withdrawn from consideration.
4) ☐ Claim(s) _____ is/are allowed.
5) ☐ Claim(s) _____ is/are rejected.
6) ☐ Claim(s) _____ is/are objected to.
7) ☒ Claim(s) 1,3,4,6,12-26,30-53,55-76 and 78-81 are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
9) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
• See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to Reply filed on 11/20/2006.

Response to Amendment

1. This action is responsive to the Reply filed on 11/20/2006. Claims 1, 3, 4, 6, 10-53, 55-76 and 78-87 are pending and stand rejected. In response, claims 1, 4, 6, 12-14, 21, 23-26, 47, 52, 55, 59-61, and 78 are amended and claims 10-11, 27-29, and 82-87 are cancelled. Claims 1, 3-4, 6, 12-26, 30-53, 55-76, and 78-81 remain pending upon entry of this amendment and represent a method and apparatus for **"RICH MEDIA FILE FORMAT AND DELIVERY METHODS."**

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-4, 6, 12-26, 30-53, 55-76, and 78-81 have been carefully considered. The claims cannot be examined on the merits because of the reasons mentioned below (see section 3 of this Office Action).

Election / Restriction

3. The following is a quotation of the appropriate paragraphs of restriction/Election section 810 [R-3] title "Action on the Merits" that form the basis for this action states:

In general, in an application when only a >nonfinal< written requirement to restrict is made, no action on the merits is given. >A 1-month (not less than 30 days) shortened statutory period will be set for reply when a written restriction requirement is made without an action on the merits. This period may be extended under the provisions of 37 CFR 1.136(a). The Office action making the restriction requirement final ordinarily includes an action on the merits of the claims of the elected invention. See 37 CFR 1.143.

4. The Election of species or restriction practice for species in this application becomes necessary because examination of the claimed or disclosed species is burdensome. After a thorough revision of the previously submitted claims an action on the merits of the claims are not included in this office action because of the following:

Independent claims 1, 6, 15, and 62 teach a method, apparatus or system for controlling distribution of electronic mail messages. On the other hand, claims 12, 13, 14, 16, 21, 30, 55, 52, and 78 disclose a method, apparatus or system for controlling distribution of network communications in general(not just email) comprising sampling and classifying of a subset of such communication. Finally, claims 47 teaches a method, apparatus or system for controlling distribution in general (not just email) comprising tracking and monitoring inbound connections. The applicants is suggested to either amend/cancel or elect/restrict between these three groups of claims :

Group I comprises claims 1, 3, 4, 6, 15, and 62-76

group II comprising claims 12, 12-14, 16-26, 30-46, 52, 53, 55-61, and 78-81

group III comprising claims 47-51

Conclusion

5. **This Action is NON-FINAL.** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8400.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles
Patent Examiner
Art Unit 2143

JJG

October 15, 2006


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100